



EXTRAORDINARY
PART II—Section 1
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MINISTRY OF LAW

New Delhi, the 22nd September, 1955

The following Act of Parliament received the assent of the President on the 20th September, 1955 and is hereby published for general information:—

THE PRISONERS (ATTENDANCE IN COURTS)
ACT, 1955

(As passed by the Houses of Parliament)

No. 32 OF 1955

[20th September, 1955]

An Act to provide for the attendance in courts of persons confined in prisons for obtaining their evidence or for answering a criminal charge.

Be it enacted by Parliament in the Sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Prisoners (Attendance in Courts) Act, 1955. Short title,
extent and
commencement.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act,—

Definitions.

(a) 'confinement in a prison'—references to confinement in a prison, by whatever form of words, include references to confinement or detention in a prison under any law providing for preventive detention,

(b) 'prison' includes—

(i) any place which has been declared by the State Government, by general or special order, to be a subsidiary jail; and

(ii) any reformatory, Borstal institution or other institution of a like nature;

(c) 'State Government', in relation to a Part C State, means the Lieutenant-Governor or, as the case may be, the Chief Commissioner of that State.

Power of courts to require appearance of prisoners to give evidence or answer a charge. 3. (1) Any civil or criminal court may, if it thinks that the evidence of any person confined in any prison is material in any matter pending before it, make an order in the form set forth in the First Schedule, directed to the officer in charge of the prison:

Provided that no civil court shall make an order under this sub-section in respect of a person confined in a prison situated outside the State in which the court is held.

(2) Any criminal court may, if a charge of an offence against a person confined in any prison is made or pending before it, make an order in the form set forth in the Second Schedule, directed to the officer in charge of the prison.

(3) No order made under this section by a civil court which is subordinate to a district judge shall have effect unless it is countersigned by the district judge; and no order made under this section by a criminal court which is inferior to the court of a magistrate of the first class shall have effect unless it is countersigned by the district magistrate to whom that court is subordinate or within the local limits of whose jurisdiction that court is situate.

(4) For the purposes of sub-section (3), a court of small causes outside a presidency town or the city of Hyderabad shall be deemed to be subordinate to the district judge within the local limits of whose jurisdiction such court is situate.

Power of State Government to exempt certain persons from operation of section 3. 4. (1) The State Government may, having regard to the matters specified in sub-section (2), by general or special order, direct that any person or class of persons shall not be removed from the prison in which he or they may be confined, and thereupon so long as any such order remains in force, the provisions of section 3 shall not apply to such person or class of persons.

(2) Before making an order under sub-section (1), the State Government shall have regard to the following matters, namely:—

- (a) the nature of the offence for which or the grounds on which the confinement has been ordered in respect of the person or class of persons;
- (b) the likelihood of the disturbance of public order if the person or class of persons is allowed to be removed from the prison;
- (c) the public interest, generally.

5. Upon delivery of any order made under section 3 to the officer in charge of the prison in which the person named therein is confined, that officer shall cause him to be taken to the court in which his attendance is required, so as to be present in the court at the time in such order mentioned, and shall cause him to be detained in custody in or near the court until he has been examined or until the judge or presiding officer of the court authorises him to be taken back to the prison in which he was confined.

6. Where the person in respect of whom an order is made under section 3—

- (a) is, in accordance with the rules made in this behalf, declared to be unfit to be removed from the prison where he is confined by reason of sickness or other infirmity; or
- (b) is under committal for trial; or
- (c) is under remand pending trial or pending a preliminary investigation; or
- (d) is in custody for a period which would expire before the expiration of the time required for removing him under this Act and for taking him back to the prison in which he is confined;

the officer in charge of the prison shall abstain from carrying out the order and shall send to the court from which the order had been issued a statement of reasons for so abstaining:

Provided that such officer as aforesaid shall not so abstain where—

- (i) the order has been made by a criminal court; and
- (ii) the person named in the order is confined under committal for trial or under remand pending trial or pending a preliminary investigation and is not declared in accordance with the rules made in this behalf to be unfit to be removed from the prison where he is confined by reason of sickness or other infirmity; and

(iii) the place, where the evidence of the person named in the order is required, is not more than five miles distant from the prison in which he is confined.

Commiss-
sions for
examination
of prisoners.

7. In any of the following cases, that is to say,—

(a) where it appears to any civil court that the evidence of a person confined in a prison is material in any matter pending before it and that the attendance of such person in court cannot be secured by reason of the provisions of section 6 or of an order under section 4 or of the district judge declining under sub-section (3) of section 3 to counter-sign an order for removal; or

(b) where it appears to any civil court as aforesaid that the evidence of a person confined in a prison which is situated outside the State in which, or is more than fifty miles distant from the place at which, such court is held is material in any such matter;

the court may, if it thinks fit, issue a commission under the provisions of the Code of Civil Procedure, 1908, for the examination of the V of 1908, person in the prison in which he is confined.

Certain pro-
visions of
the Code of
Criminal
Procedure
and the
Code of
Civil Pro-
cedure to
apply.

8. Save as otherwise provided in this Act and any rules made thereunder, the provisions of the Code of Civil Procedure, 1908, and V of 1908, the Code of Criminal Procedure, 1898, as the case may be, shall, so V of 1898, far as may be, apply in relation to the examination on commission or otherwise of any person confined in a prison as they apply in relation to the examination on commission of any other person.

Power to
make rules.

9. (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the procedure for obtaining the countersignature of an order made under section 3;

(b) the authority by whom and the manner in which a declaration that a person confined in prison is unfit to be removed therefrom, may be made;

(c) the conditions, including payment of costs and charges, subject to which an order made under section 3 by a civil court may be executed;

(d) the manner in which a process directed against any person confined in a prison issued from any court may be served upon him;

(e) the escort of persons confined in a prison to and from courts in which their attendance is required and for their custody during the period of such attendance;

(f) the amount to be allowed for the costs and charges of such escort; and

(g) the guidance of officers in all other matters connected with the enforcement of this Act.

III of 1900.— 10. (1) Part IX of the Prisoners Act, 1900 and the First and Repeal Second Schedules to the said Act are hereby repealed.

(2) If immediately before the commencement of this Act, there is in force in any Part B State to which this Act extends any law corresponding to the provisions of this Act, that law shall, in so far as it relates to matters dealt with in this Act, stand repealed on such commencement:

Provided that anything done or any action taken under any such law shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue to have effect accordingly, unless and until superseded by anything done or any action taken under this Act.

THE FIRST SCHEDULE

[See sub-section (1) of section 3]

Court of

To the officer in charge of the.....(State name of prison).

You are hereby required to produce now confined in under safe and sure conduct before the Court of at on the day of next by of the clock in the forenoon of the same day, there to give evidence in a matter now pending before the said Court, and after the said has then and there given his evidence before the said Court or the said Court has dispensed with his further attendance, cause him to be conveyed under safe and sure conduct back to the prison.

The day of

A.B.

(Countersigned) C.D.

THE SECOND SCHEDULE

[See sub-section (2) of section 3]

Court of

To the officer in charge of the.....(State name of prison).

You are hereby required to produce , now confined in , under safe and sure conduct before the Court of

at on the day of next by of the
 clock in the forenoon of the same day, there to answer a charge now
 pending before the said Court, and after such charge has been disposed
 of or the said Court has dispensed with his further attendance, cause
 him to be conveyed under safe and sure conduct back to the said
 prison.

The day of

A.B.
 (Countersigned) C.D.

The following Act of Parliament received the assent of the President on the 21st September, 1955 and is hereby published for general information:—

THE STATE BANK OF INDIA (AMENDMENT) ACT,
 1955.

No. 33 OF 1955

[21st September, 1955]

An Act amend the State Bank of India Act, 1955.

Be it enacted by Parliament in the Sixth Year of the Republic of India as follows:—

Short title. 1. This Act may be called the State Bank of India (Amendment) Act, 1955.

Amendment of section 5. 2. In sub-section (1) of section 5 of the State Bank of India Act, 1955 (hereinafter referred to as the principal Act), for the words and figure "transferred to it by paragraph 2 of the First Schedule", the words and figure "transferred to and vested in it under section 6" shall be substituted.

Amendment of section 6. 3. In section 6 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) Unless otherwise expressly provided by or under this Act, all contracts, deeds, bonds, agreements, powers of attorney, grants of legal representation and other instruments of whatever nature subsisting or having effect immediately before the appointed day and to which the Imperial Bank is a party or which are in favour of the Imperial Bank shall be of as full force and effect against or in favour of the State Bank, as the case may be, and may be enforced or acted upon as fully and effectually as if instead of the Imperial Bank the State Bank had been a party thereto or as if they had been issued in favour of the State Bank.”.

4. In sub-section (3) of section 16 of the principal Act, after the words “in existence”, the words “in India” shall be inserted. of section 16.

5. For section 51 of the principal Act, the following section shall be substituted, namely:— Substitution of new section for section 51.

“51. If, according to the laws of any country outside India, the provisions of this Act by themselves are not effective to be ~~com~~ transferred to and vest in the State Bank any asset or liability which forms part of the undertaking of the Imperial Bank and which is situate in that country, the Imperial Bank shall take all such steps as may be required by the laws of that country for the purpose of effecting or perfecting such transfer and vesting, and in connection therewith the Imperial Bank may realise any asset and discharge any liability and transfer the net proceeds thereof to the State Bank.”.

6. After section 53 of the principal Act, the following sections shall be inserted, namely:— Insertion of new sections 54, 55, 56 and 57.

XVII of 1920.

“54. The Imperial Bank of India Act, 1920, shall be amended in the manner directed in the Fifth Schedule. Amendment of Act XVII of 1920.

55. On and from the appointed day, no person shall make any claim or demand or take any proceeding in India against the Imperial Bank or a director, officer or other employee thereof in his capacity as such director, officer or employee except in so far as may be necessary for enforcing the provisions of this Act or except in so far as it relates to any offence committed by any such director, officer or employee. No proceeding to lie in India against Imperial Bank after appointed day.

References
to the
Imperial
Bank, the
Bank of
Bengal, etc.,
in other
laws.

Dissolution
of Imperial
Bank, etc.

56. On and from the appointed day, any reference to the Imperial Bank or to the Bank of Bengal, the Bank of Madras or the Bank of Bombay in any law (other than this Act or the Imperial Bank of India Act, 1920) or in ^{XLVII of 1920.} any contract or other instrument shall, except as otherwise provided in any general or special order made by the Central Government, be deemed to be a reference to the State Bank.

57. (1) On such day as the Central Government may, by notification in the Official Gazette, specify in this behalf, the Imperial Bank shall stand dissolved, and the Imperial Bank of India Act, 1920, shall stand repealed. ^{XLVII of 1920.}

(2) On the day specified in the notification under sub-section (1), the State Bank shall pay to the Reserve Bank a sum of ten lakhs of rupees.

(3) If, on the day specified in the notification under sub-section (1), the Imperial Bank has in its possession or custody any assets created on or after the appointed day, such assets shall be disposed of in accordance with the directions issued by the Central Government in this behalf."

Insertion of new Schedule. 7. After the Fourth Schedule to the principal Act, the following Schedule shall be added:—

"THE FIFTH SCHEDULE

[See section 54]

AMENDMENTS TO THE IMPERIAL BANK OF INDIA ACT, 1920.

Section 2.—(a) Omit clauses (c), (d), (f), (g) and (ii).

(b) For clauses (j), (k), (l) and (m), substitute—

"(j) 'State Bank' means the State Bank of India constituted under the State Bank of India Act, 1955.". ^{23 of 1955.}

Section 3.—(a) In sub-section (2), for the words "Every person who, immediately before the appointed day, was registered as a shareholder or as a holder of stock in any of the Presidency Banks, together with such other persons as may from time to time become shareholders in the Bank in accordance with the provisions of this Act, shall, as long as they are shareholders in the Bank", substitute the following, namely:—"The persons who for the time being are holding office as chairman, vice-chairman and managing director of the State Bank shall".

(b) For sub-section (3), substitute—

“(3) The capital of the Bank shall consist of ten lakhs of rupees which shall be paid to the Bank by the Reserve Bank of India on the 1st day of July, 1955.”.

(c) Omit sub-section (4).

Omit sections 4, 5, 6, 7, 13, 13A, 14, 15, 16, 17, 18, 19 and 20.

For section 23, substitute the following:—

“23. The Bank shall have its Head Office in Bombay.”. Head Office of the Bank.

For section 24, substitute—

“24. (1) The general superintendence of the affairs and business of the Bank shall be entrusted to the chairman for the time being of the State Bank who may exercise all powers and do all such acts and things as may be exercised or done by the Bank or which, immediately before the 1st day of July, 1955, were required or permitted to be exercised or done by the Central Board or by any Local Board of the Bank, and accordingly references to the Central Board, if any, in this Act or in any Regulations made thereunder shall be construed as references to the chairman for the time being of the State Bank.

General superintendence of affairs and business of Bank.

(2) Any of the powers or functions conferred on the chairman of the State Bank by sub-section (1) may be exercised or performed by any such officer or other employee of the State Bank as may be authorised by the chairman by general or special order.”.

Omit sections 25, 26, 27, 28 and 29.

Section 31.—In sub-section (2), omit clauses (a) to (j).

Section 32.—Omit sub-section (2).

After section 32, insert the following:—

“32A. (1) Every person (other than the Managing Director and Deputy Managing Director) who, immediately before the 1st day of July, 1955, had authority conferred by any notification issued under Regulation 51 of Schedule II or under bye-law 26 made under section 31 or under any power of attorney granted by the Bank to sign any instrument or perform or do any act or thing for and on behalf of the Bank, shall, on

Persons authorised to act on behalf of Bank.

and from the aforesaid date, continue to have the same authority, and shall not, by reason of anything contained in the State Bank of India Act, 1955, be deemed to have vacated any office or employment held by him in the Bank immediately before the aforesaid date in connection with which such authority had been conferred on him, but the Bank may at any time revoke any such authority.

(2) Without prejudice to any other provision contained in this Act, the Bank may, by power of attorney, empower any person for and on behalf of the Bank to execute any instrument or to exercise any right or to perform or do any act or thing which may be executed, exercised, performed or done by the Bank.”.

In Schedule II,—

(a) omit Regulations 1 to 48;
 (b) for Regulation 49, substitute—

“49. The common seal of the Bank shall not be affixed to any instrument except in the presence of the chairman or the vice-chairman or a managing director of the State Bank, who shall sign his name to the instrument in token of his presence, and such signing shall be independent of the signing of any person who may sign the instrument as a witness, and unless so signed, such instrument shall be of no validity.”;

(c) in Regulation 51, for the words “The Managing Director and Deputy Managing Director, the secretaries and such other employees”, substitute the words “Such employees”, and omit the words “and to execute proxies to vote at meetings on behalf of shareholders from whom the Bank holds general powers-of-attorney” occurring at the end;

(d) to Regulation 52, add the following:—

“Provided that nothing contained in this Regulation shall have effect in relation to the holding of any office by, or the employment of any such person in, the State Bank.”;

(e) in Regulation 54(2), omit “signed by a majority of the Directors”;

Common
Se

(f) omit Regulations 55, 56, 57, 58, 60(2), 60A, 61, 62, 63 and 64;

(g) for Regulation 65, substitute the following:—

Service of
notice on
Bank,

“65. A notice may be served on the Bank by leaving it at, or sending it by post to, the Head Office of the Bank.”.

Amendments 8. The amendments made by sections 2 to 7 shall be deemed always to have been made in the principal Act.

deemed al-
ways to have been made
in the prin-
cipal Act.

Repeal of 9. The State Bank of India (Amendment) Ordinance, 1955, is of 1955.
Ordinance 4 of 1955. hereby repealed.

K. Y. BHANDARKAR,
Secy.

